

Farmer, Chair
Mossotti, Vice Chair
Gorton
Ellinger
Kay
Ford
Lawless
Beard
Clarke
Henson

A G E N D A

Planning & Public Works Committee

November 12, 2013

1:00 P.M.

1. October 8, 2013 Committee Summary (1-7)
2. Capital & Maintenance of LFUCG Major Roadways (8)
3. Elm Tree Lane Sidewalk (9)
4. Design Excellence Task Force (10-23)
5. Items Referred (24)

“Planning & Public Works Committee, to which should be referred matters relating to the Division of Planning and including, but not limited to matters related to housing, infill and redevelopment, purchase of development rights and historic privation, and any related partner agencies and the Department of Public Works and its related divisions, including capital improvement projects and any related partner agencies”

-Council Rules & Procedures, Section 2.102(1)

Future Meeting Schedule
Dec 3



Planning and Public Works Committee October 8th, 2013 Summary and Motions

Chair Bill Farmer Jr. called the meeting to order 1:00pm. Committee Members Linda Gorton, Jennifer Mossotti, Charles Ellinger, Steve Kay, Chris Ford, Diane Lawless, Julian Beard, Harry Clarke, and Peggy Henson were present. Shevawn Akers and Kevin Stinnett attended as non-voting members.

1. Approval of Summary

Motion by Beard to approve the summary. Seconded by Clarke. Motion passed without dissent.

2. Erecting Large Utility Poles in the Right of Way

Clarke introduced his Legislative Aide, Jonathan Hollinger, who began his presentation on the item. Hollinger said that when the item was originally presented in 2012, the original policy proposals were as follows:

- Require more stringent review of proposed overhead utility structures by amending Chapter 17C.
- Require notification of property owners upon application to install major utility infrastructure.
- Establish aesthetic guidelines already referenced in Chapter 17C.

There were several issues with the original policy proposals. The issues were as follows:

- Width, height, ground clearance, material, and other aspects of utility poles are dictated by National Electrical Safety Code (NESC).
- The Lexington-Fayette Urban County Government (LFUCG) cannot have requirements in conflict with these regulations.
- Kentucky Utilities already has notification procedures for utility projects.
- Per Kentucky Revised Statutes (KRS) 100.324, Public Service Commission (PSC) regulated utilities are exempt from planning commission approval of the location or relocation of any service facilities.
- Location or land-use based restrictions may conflict with this statute.

Hollinger told committee members that they wanted to present a new proposal:

- Create a notification system for the Council and the Mayor for significant utility projects.
 - A staff member would attend utility coordinating meetings and report back to the Council and the Mayor with a summary of upcoming projects. There are two (2) meetings that occur: right of way utilities and project-based meeting. One (1) is quarterly, one (1) is bi-monthly.
 - The summary would include a district level synopsis for Council Members.

- Allows elected officials to stay in the loop on significant projects.
- Creates an avenue for input early in the project timeline.
- Provides a means of coordinating public information about projects.
- The process would be operated on a pilot basis: A draft utility projects report would be brought to the committee and the format and delivery timeline can then be codified.

Hollinger volunteered to attend the meetings and draft the report and bring it back to the Planning and Public Works Committee.

Farmer asked Hollinger if there is a difference between erecting the poles in the right of way versus mandating at some point that the utility lines go underground. Hollinger said that if it is the will of the committee and the Council to mandate major infrastructure changes to utilities, there are avenues to pursue it. Hollinger went on to say that in his previous presentation he had presented that it would be very expensive to pursue placing utilities underground. Hollinger also said that the utility companies may pursue a rate increase in response to the revised policy.

Lawless thanked Hollinger and Clarke and reminded the committee members that the giant utility poles transmit a lot of power. She said that Doug Martin referred the item into the Planning and Public Works Committee because of the erection of the large utility poles on Woodland and Euclid. She said that the poles are on the University of Kentucky's right-of-way. She said that the LFUCG had no policy to stop UK then or in the future.

Henson thanked Hollinger as well. She asked Hollinger if there was any thought given to camouflaging them. Hollinger said that the large poles are transmission lines and they would be much more expensive to put underground. Henson just asked that the committee consider creative ways to camouflage them. Beard told Hollinger that the University of Kentucky has eminent domain and the LFUCG might like where they are now versus where they could have placed them. Beard said that they might have to live with some of them, but said that painting them might help. He thanked Hollinger for his willingness to attend the meetings.

Clarke said that they spoke to representatives from Kentucky Utilities and he and Hollinger think that this is a good route to take. He said that the LFUCG could restrict placement but they do not see the point in it.

Clarke said that UK worked with the LFUCG to get permission to place the poles. He said that when UK built the new hospital, they needed to have power. They did not want the lines running down Rose Street, which is why they turned the corner. The depth of the poles is 60 feet.

3. Capital Road Projects for Major Corridors and the Ability of the LFUCG to Maintain Those Roads

Kevin Wente said that he was going to present additional information to the Committee. Wente provided more detail of the major corridors.

Wente said that when they begin resurfacing, they divide the monies by Council District based on greatest need. Wente said that the issue that has come to light is major corridors that cross multiple Council Districts.

Wente illustrated the roadways that the LFUCG is responsible for maintaining. The roads highlighted in red are the responsibility of the LFUCG to maintain. The cost of \$11MM is for milling and resurfacing at 1.5 inches for the roadways highlighted in red.

Wente said the minor arterials are roads such as Wilson Downing, Armstrong Mill, Southland Drive, Rosemont Garden, and Lane Allen. The cost of \$15MM is associated with those roadways.

Wente then illustrated the impact per Council District. Wente said individual Council Members usually pay for the resurfacing with the allocations from the annual resurfacing budget.

Wente said that he would like the Council to consider having a pot of money set aside for minor arterials to address issues such as resurfacing and base failure repairs. He gave the example of Man O War and the high cost of resurfacing.

Wente said next are the collector streets. He placed an illustration of the collector streets on the overhead. The total for all three classifications of streets is \$42,745,000.

Wente's final slide illustrated where the \$13MM bond had been spent throughout the county. Wente said that he is in the process of breaking those numbers down in terms of what has been spent per Council District so they can see what monies are remaining so they can apply the additional funds to other streets in their districts.

Farmer told committee members that Wente's final slide shows the policy that Stinnett wanted to illustrate. He said that currently the Council Members do things individually but they need to take a holistic look.

Mossotti asked Wente what he needs for the roads that are still out there to be paved. Wente said that he will get the Council Members the amounts of monies that remain for each Council District.

Wente said that looking ahead; they are going to be looking at a far lesser amount of money dedicated to resurfacing unless they approve another bond allocation for resurfacing. Wente said that our MAP monies usually run \$3.5MM that is divided among the Council Districts. Wente said that starting next fiscal year, \$1MM will need to be used to pay back the \$13MM bond. Wente said that the LFUCG made a large dent in the roads that needed to be resurfaced.

Richard Moloney clarified that they would be taking \$1.5MM off the top to pay back the \$13MM bond.

Wente said they do assess roads for paving ratings.

Wente said that with the \$13MM allocation for this year, he had estimated 10% above to account for the unknowns. Wente said that they have spent \$11.5MM. The allocation per Council District is skewed.

Mossotti asked Wente how much road mileage they did. Wente said that he will run the numbers and get it to Council Members. Wente said that it was probably 25-30 miles.

Beard asked about the classifications of minor and major arterials. He said that Wilson Downing is a minor arterial. Brad Frazier, the Director of Engineering, came to the podium to speak on the issue.

Frazier said that it is based on several factors. One is the linkage. Another way is its volume and its importance. This is determined through the MPO process. Frazier said that there is a zoning component.

Lawless mentioned that many of the roads that are illustrated are state roads. Wente said that the roads highlighted in red and blue are the responsibility of the LFUCG to maintain. Lawless thanked him for his hard work.

Wente said that Moloney had conducted biweekly meetings with the contractor to ensure that the allocation of the \$13MM was on schedule.

Stinnett mentioned the \$26MM need for major and minor arterials. Stinnett asked Wentte if they have surveyed when they were resurfaced last. Wentte said that they do have the information in the Pavement Management System. Wentte mentioned the GIS based system that is currently being tested.

Stinnett said that he would like to see how much of the \$26MM can be put into the budget each year and how much of the pavement can be done each budget cycle.

Stinnett said that the Council can pay the bond anyway they want. Stinnett said that they can use General Fund monies for paving.

Stinnett asked Wentte for a number illustrating the total paving need in Fayette County.

Clarke said he did not receive a single call thanking him for paving their street, but did receive calls the other way. Clarke asked Wentte how old the street rating list was. He said that it did not seem completely accurate, because he had driven all the streets in his district and some of the rankings did not appear to be accurate.

Wentte said that they used to evaluate 1/3 of the streets of Fayette County each year and the fourth year they would evaluate all the streets. At any one point, the rating could be current or three years old. Wentte said that they changed it, so they now rate them every year. The Division of Engineering does the evaluation.

Clarke asked Wentte what the plan is for Southview Drive. Wentte said there was a manhole that had a partial collapse. Water Quality is looking into the repair now.

Akers asked Wentte how roads and streets are included in a certain list. Akers asked when the numbers are calculated. Frazier said that during the Comprehensive Plan's transportation component, there are streets networks based on zoning. He mentioned Masterson Station Drive and Sandersville Road as collector roads.

Akers asked how a road could be added to a collector list. She mentioned Trailwood Drive and Lucille Drive. Frazier said that he would consult with the MPO and get back to her with an answer.

Beard asked if ATS ever subcontracts work. Wentte said not for the actual resurfacing. He said that they may subcontract striping. Wentte said that three asphalt plants were opened to accommodate the \$13MM bond for paving.

Moloney thanked ATS.

Henson thanked everyone for their hard work. Henson said that she would like to get to the rating of "60" mark.

Farmer asked Wentte if the Council were to give them a signal to proceed using major or minor arterials as the base for how to regularly fund resurfacing, would it work. Wentte said that he wants to look at the ratings and then come back to the Planning and Public Works Committee to look at what the need would be and what the cost would be. He said they can then assess how to fund it. He suggested taking a percentage of MAP funds for major or minor arterials. Wentte said that they should focus on the major and minor arterials as a separate pool of money.

Farmer said that he wanted the committee's approval to use major or minor arterials as the group to work from. The committee members were in agreement.

Wente said that he could present in November.

4. Merge the Divisions of Streets and Roads and Traffic Engineering into a New Division of Transportation.

Glenn Brown asked that the committee table the item until November. Farmer agreed to do so.

5. Private Streets: Enforcement, Maintenance, Specification

Mossotti said that she wanted to separate residential from commercial because of the huge difference between the two. Mossotti said that she did not see any reason to issue private streets going forward. She cited safety concerns.

Farmer said that they may want to consider changes to the enforcement and maintenance instead of taking the idea of private streets out of the toolbox.

Gorton said for years the LFUCG has been asked to take streets that do not meet our standards and said it is a safety issue. Gorton said she was happy to read that they were going to require a 50 foot easement. Gorton said that the committee needs to be discussing this issue.

Stinnett said that there are two issues. The first is how to accept the private streets into our current system and the other issue is whether or not to allow them at the planning stage.

Stinnett told committee members that there is a big difference between allowing commercial and residential private streets. Commercial are easier to add and are better maintained.

Stinnett wants changes to the CAO policies about how the LFUCG accepts private streets into the system.

Henson told committee members that when the private street is in disrepair it impacts surrounding neighborhoods. She also expressed concerns about water and run-off issues causing flooding onto another area. She asked the Planning staff to look at this issue.

Clarke asked how a developer builds a private street without the same requirements that the LFUCG requires for a public street. Clarke said that they may need to impose standards for the development of private streets.

King said that there are requirements in the Land Subdivision Regulations and there are restrictions. There is more flexibility in the development of private streets.

King said that they could remove or restrict the possibility of private streets from the ordinance. He said that it would require a text amendment of the Land Subdivision Regulations. He suggested the committee members review that language.

Clarke asked King why we couldn't require the same standards for private streets as they do for public streets. King said that there will be physical or cost implications, but it is within the Council's purview to initiate that change.

Lawless asked about the University of Kentucky. Wente said that in recent years, the University of Kentucky has asked the LFUCG to transfer right-of-ways to them.

Gorton asked if they could split out townhouses and large apartment complexes from residential single family. King said that they could differentiate them.

Gorton asked if we can get a fire truck and engine down every street we have. King said yes, we can.

King said that in a neighborhood like that on the island, the Council can request that those streets be made public.

Gorton asked if there is parking allowed on private streets. King said no, he cannot say that it is allowed on all streets, even older public streets.

Mossotti asked King for the number of private streets that are not in multi-family developments that are strictly subdivision streets. Mossotti asked King what they need to do to not allow any new residential subdivisions to have private streets.

King said that to not allow any new single family residential subdivisions to have private streets they would have to initiate a ZOTA of the Land Subdivision Regulations. They would then refer it to the Planning Commission and the Planning Commission would hold a public hearing and make a recommendation back to the Council.

Mossotti asked how many subdivisions have come on in the last 5 years with private streets. Sallee answered that there have not been many at all with the housing downturn. Sallee said that there are applications coming in at a higher rate this year, but only recalled one or two of them requesting private streets.

Farmer suggested that it would be a good time to review this issue since private streets were more popular before the housing downturn and may become more prevalent again.

Beard mentioned streets in the packet that are within Keeneland. Wente said for the packet he ran a query for everything associated with private within the Urban Service Area. Wente said that there were streets outside of the Urban Service Area that have requested to be added to the public street system as well.

King said he wanted to add that as it relates to commercial and rural areas there were places that were not reviewed as streets that were basically driveways that because of modifications to the addressing system (the introduction of the E911 system), a whole lot of things that were driveways were given names. These were never reviewed as private streets but were given that status at that time.

Motion by Mossotti to initiate a text amendment to not allow private streets in residential subdivisions. Seconded by Gorton.

King said that before they can initiate a text amendment, they have to have specific language to present. King said that he wanted to suggest that the Planning staff would be willing to draft language for them to review.

Gorton wants input from all entities, including the development community.

Gorton asked if they want to form a working group to assist with drafting the text amendment.

King said that they could have the conversation in committee before the process is really initiated.

Kay asked King about the upsides and downsides to not allowing private streets. King said that he leans towards public streets, but that it is a subjective personal opinion. However, King said that there are cases where an access easement is excessive and contrary to providing affordable housing.

Motion passed 9-1. Farmer voted nay.

6. Items Referred to Committee

Motion by Lawless to remove Adult Day Cares from the items referred list. Seconded by Henson. Motion passed without dissent.

Motion by Kay to remove the Elm Tree Lane Sidewalk Closure from the items referred list. Seconded by Mossotti. Motion passed without dissent.

Motion by Gorton to adjourn. Seconded by Beard. Motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

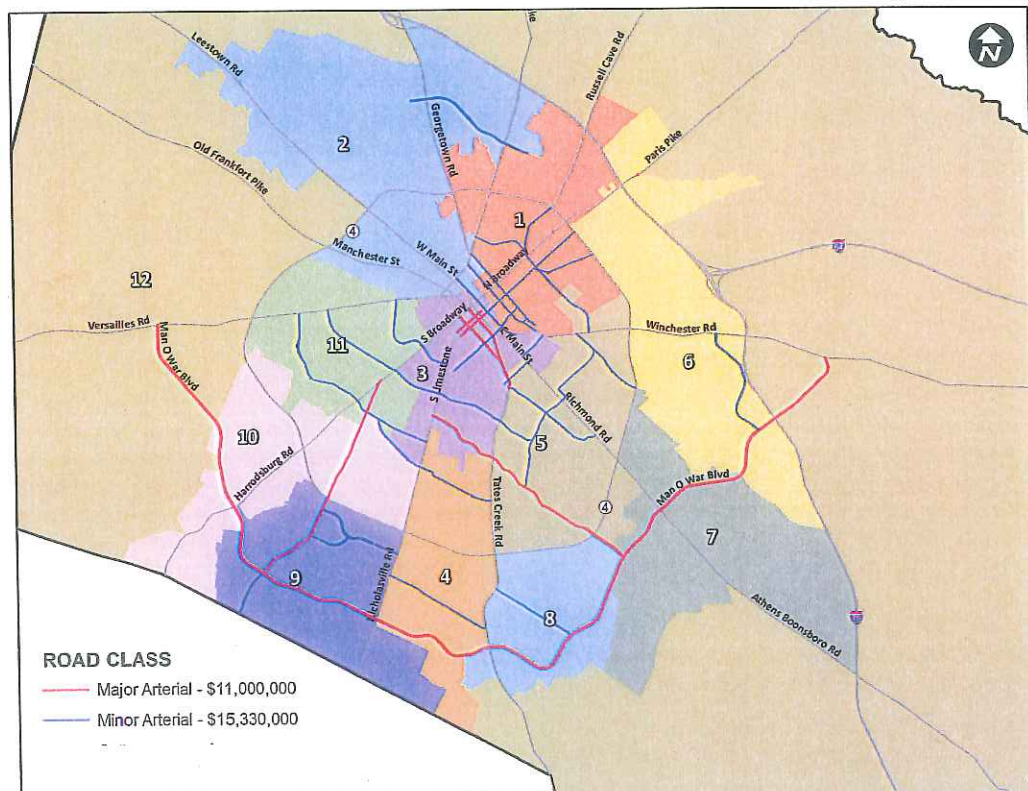
Major / Minor Arterial Pavement Conditions

Statistics and assessment per latest Pavement Management Ratings:

- Total linear miles: 90.34
- Average assessed rating among major/minor arterials: 88
- Percentage of major/minor arterials requiring resurfacing: 5%
- Estimated cost for resurfacing the 5% in need: \$1,390,000

Forecasting resurfacing needs moving forward:

- Percentage of arterials rated 65-75: 9%
- Estimated cost for resurfacing the 9% in future: \$2,255,000



**Planning & Public Works Committee
November 12, 2013**

Rand Ave – Elm Tree Lane sidewalk improvements

Site visit October 2, 2013 – CM Ford, Commissioner Paulsen, Kevin Wentz

Assessment: Sidewalk and lighting condition improvements



Proposal: Sidewalk replacement - \$4300 per unit price contract
Tree trimming - \$500 per unit price contract
Lighting improvements – Cost to be determined (KU / Traffic Eng)

Funding: MAP / NDF

Design Excellence Task Force Report Out November 12, 2013

ORIGINAL CHARGE

On May 27, 2010, a Task Force was formed by the Planning Committee of the Lexington-Fayette Urban County Council to move "toward form-based and/or design-based codes." The Task Force was to be comprised of council members, government officials, community representatives, and professionals. Only Council members would be voting members.

MEMBERSHIP

While the membership has varied a little over the years, the follow list includes everyone that was a member at one time.

Voting

CM Julian Beard
CM Chuck Ellinger
CM Bill Farmer
Vice Mayor Linda Gorton
CM Steve Kay, Chair
CM Ed Lane
CM Tom Blues, Chair

Non-voting

Ned Crankshaw, Landscape Architect, Chair UK Dept. Landscape Architecture
Rick Ekhoﬀ, Architect, EOP
Jim Gray, Mayor
Bill Johnston, President, Western Suburb Neighborhood Association
Bill Lear, Attorney and Developer, Stoll Keenan Ogden
Mike Meuser, Attorney, Chair, Courthouse Area Design Review Board
Derek Paulsen, Commissioner Planning, Preservation, and Development
Graham Pohl, Architect, Pohl Rosa Pohl
John Rhorer, Attorney, Chair, Historic Preservation Commission
Knox Van Nagell, Executive Director, Fayette Alliance
Tom Blues, Citizen Representative
Michael Speaks, Architect, Dean, UK College of Design

Andrew Owens
Joan Brannon
Mary Lee Kerr

Staff

Brandi Berryman, Urban Designer, Downtown Development Authority
Jeff Fugate, Executive Director, Downtown Development Authority
Bettie Kerr, Director, Division of Historic Preservation
Chris King, Director, Division of Planning
Bill Sallee, Manager, Planning Services
Billy Van Pelt, Design Review Officer for Courthouse Area Overlay Zone
Harold Tate, Executive Director, Downtown Development Authority

BACKGROUND

Form-based Codes or Design Review was recommended by:

Destination 2040

Downtown master Plan

2007 Comprehensive Plan

Non-Residential Infill Study

Housing Market Study

Infill and Redevelopment Task Force Steering Committee Report and Recommendations

The city already had design guidelines for the “Courthouse Area Design Overlay Zone” and, because there have been substantial changes in the building fabric within and around the overlay zone, and new changes to the fabric were contemplated in the near-future, it was felt that it was time to examine the purpose of the Courthouse Overlay Zone, its boundaries, and the design criteria that apply to it. The Downtown Core is primarily zoned B-2, where mixed uses are permitted by right and there are minimal restrictions on building height size and location. Except for the overlay districts (H-1, Courthouse Area, Newtown Pike Extension), in most situations building permits are issued at the counter without other review.

A form-based code is a regulatory system that is primarily based on urban form, including the relationship of buildings to each other, to streets and to open spaces, rather than land use. Most form-based codes include criteria

for certain architectural features such as building caps, windows and doors, but do not regulate their design details, and there is no regulation on the use of the buildings.

MEETINGS

The Task Force first met in August of 2010. Since that time it has had over twenty (20) meetings. The Task Force addressed the question of how to preserve the character of our city but encourage innovation, imagination and creativity. The Task Force was concerned that design regulations could become too restrictive, such as those at Seaside and Celebration, Florida that have very rigid form-based codes. Such regulation would not allow for good design or iconic buildings that transform the community, such as the Guggenheim Museum in Bilbao, Spain. Reflecting this concern, in February of 2011, the name was changed from “Form-based Code Task Force” to “Design Excellence Task Force.” The Task Force reported to the Planning Committee on January 24, 2012, June 19, 2012; November 20, 2012; and August 20, 2013.

The Task Force:

- Reviewed current downtown boundaries such as the regulatory infill and redevelopment area, the Downtown Development Authority area, the Downtown Master Plan area, B-2 zoning, H-1 overlays, corridors, historic building survey, and downtown overlay map in determining the boundary;
- looked at case studies of current downtown buildings with and without guidelines;
- reviewed an inventory and analysis of downtown conducted by the staff and discovered patterns in the Core, Urban and Residential sections for building placement, height, form, parking, square footage, and usage;
- conducted case studies of the west, central, and east sections of downtown;
- developed principles for a downtown design review program including materials; building height, mass, and scale; building placement; corners; and parking;
- divided into 3 subgroups to: conduct a detailed inventory and analysis of downtown B-2 zones; review and analyze current

Courthouse Area Design Review guidelines to assess strengths, weaknesses, and gaps; and recommend the selection for a consultant.

The Task Force decided to define the boundary as the B-2 zones, and to absorb and modify the current Courthouse Area Design Review ordinance. They found that the current Courthouse Area Design Review guidelines lacked clarity and specificity in places. The current guidelines also serve rehabilitation projects much more effectively than new construction projects.

The Task Force also decided to utilize internal expertise for the initial drafting and to hire a consultant to advise and assist in the process and serve as editor. Barrett Partners, Inc. was selected as the consultant in January of 2013. Barrett Partners used its local team including Dick Murphy, a development attorney, and Albert and Burnworth, architects with several bar and restaurant projects in the downtown area, as well as William Eubanks from Urban Edge.

Meetings with the consultant took place during spring and draft guidelines were reviewed by staff, consultant, and the focus groups including developers in the summer and fall of 2013. The Standards and Guidelines have been reviewed by Legal Department and the legal consultant. There are some outstanding questions which will be discussed below.

The Task Force also discussed possible incentives for development and barriers to development, which can be organized into three categories: process, regulatory, and economic. The Task Force recommended some changes to Article 27 to streamline the process and the Planning Department is also working on streamlining the process. The Infill and Redevelopment Steering Committee will be addressing the regulatory and economic barriers.

NEXT STEPS

Request the Planning Committee recommend to Council the initiation of a text amendment, which would refer the item to the Planning Commission to conduct a public hearing and make a recommendation on the text

amendments which would come back to the Council for final approval. Public outreach meeting on November 14th at 6:00 pm in the 3rd floor conference room of the Phoenix Building, 101 East Vine Street. Reconvene the Task Force to vote on the outstanding items.

OUTSTANDING ISSUES TO BE DECIDED

Appeal Process

Balance between Staff and Board Review of Proposals

Board Confirmation by Council

Board Make-up

Government projects – application to

Iconic definition

Incentives

Staff qualifications

DECISIONS NEEDED

Define the boundary

Approve the Standards and Guidelines

Approve the process and the Board

Approve the staff qualifications

Goals of Design Excellence

The Design Excellence Standards & Guidelines are a **framework** for the future development of downtown Lexington, aimed at **enhancing** the existing built environment and **protecting** economic investments in downtown. They aim to ensure new development, rehabilitation, and adaptive reuse projects are **consistent** with the city's vision while offering a **predictable** and **transparent** process for the applicant.

Specifically, this document sets forth codified design standards and enumerates guidelines that support and encourage:

- New buildings to **address context** of their surroundings: built form to respect mass and spacing of buildings, placement on site, response to adjacent uses, heights and densities.
- Historic Buildings to be **appropriately renovated**, retaining their historic integrity and character while accommodating potential new uses.
- **Context of historic structures and streetscapes to be protected**, retained, and enhanced through renovation of historic buildings, review of any proposed demolition, and creative and compatible new construction.
- Use of durable long lasting materials and designs that are **flexible for future uses**.
- An **engaging** pedestrian environment
- **Connections to existing and future networks**, which should be comfortable and convenient for both pedestrians and vehicles and ensure cohesive interaction from block to block.
- **Comfort and Safety** for all users of downtown.



Design Excellence Task Force Timeline



Design Excellence Task Force (DETF) Created

August 20, 2010

- Reviewed downtown masterplan
- Set DETF Study Boundary
- Explored existing zoning and overlays
- Determined design overlay for downtown is needed and boundary for implementation suggested

DETF Update #1 to Planning Committee

January 24, 2012

DETF Update #2 to Planning Committee

June 19, 2012



Subcommittees Created and Work Completed

July-November 2012

Downtown Inventory Subcommittee

- Documented existing downtown conditions
- Determined sub-districts for downtown and classified corridor types
- Explored each sub-district noting the positive and negative design components of each
- Created final recommendations for important components to inform design guidelines

Existing Guidelines Review Subcommittee

- Examined existing Courthouse Design Overlay
- Determined strengths and weaknesses in guidelines and process
- Created Recommendations Matrix identifying project types, guidelines and standards needed, and review processes to explore

DETF Update #3 to Planning Committee

November 20, 2012



Standards and Guidelines Draft Started

January-October 2013

DETF, LFUCG staff, DDA, and various focus groups including architects, landscape architects, developers, and lawyers along with consultants work to create a draft document and review process

- Drafted design standards & guidelines
- Drafted review process
- Tested draft document
- Reviewed and edited documents internally and with consultants.

Presented to DETF for final approval on proposed draft document, review process, and incentives action plan



Next Steps

Now

Nov. 12: Present to Planning Committee

Nov. 14: Host public outreach meetings for additional feedback

Following these events a final task force meeting is to be held

DRAFT

Design Excellence Proposal

The goal of Design Excellence is to ensure that new development, rehabilitation, and adaptive reuse projects are **consistent** with the city's vision while meeting the individual needs of the applicant.

Components of the Design Excellence Proposal:

Boundary: p. 4

The boundary will utilize base zoning of B2, B2a, and B2b zones to reference the DE Standards & Guidelines.

Design Excellence Standards & Guidelines: p. 5 (full document attached)

*This document serves as the **legal basis** for ensuring fair and consistent recommendations by staff and the Design Review Board. All projects will **adhere to standards and guidelines** as outlined in the document.*

Design Excellence Review Process: p. 6-7

*The review process is to strike an appropriate **balance** between the need for a **streamlined process** where a majority of the projects are approved by staff and ensuring **appropriate** public input by Board review of larger or more difficult projects.*

- staff and board approval thresholds (p. 6)
- thresholds illustrated (p. 7)

Staffing: p. 8

The process facilitator will assist with moving the project through the review in a timely manner with a goal of Design Excellence officer approving a majority of the projects and working iteratively with developers throughout the process.

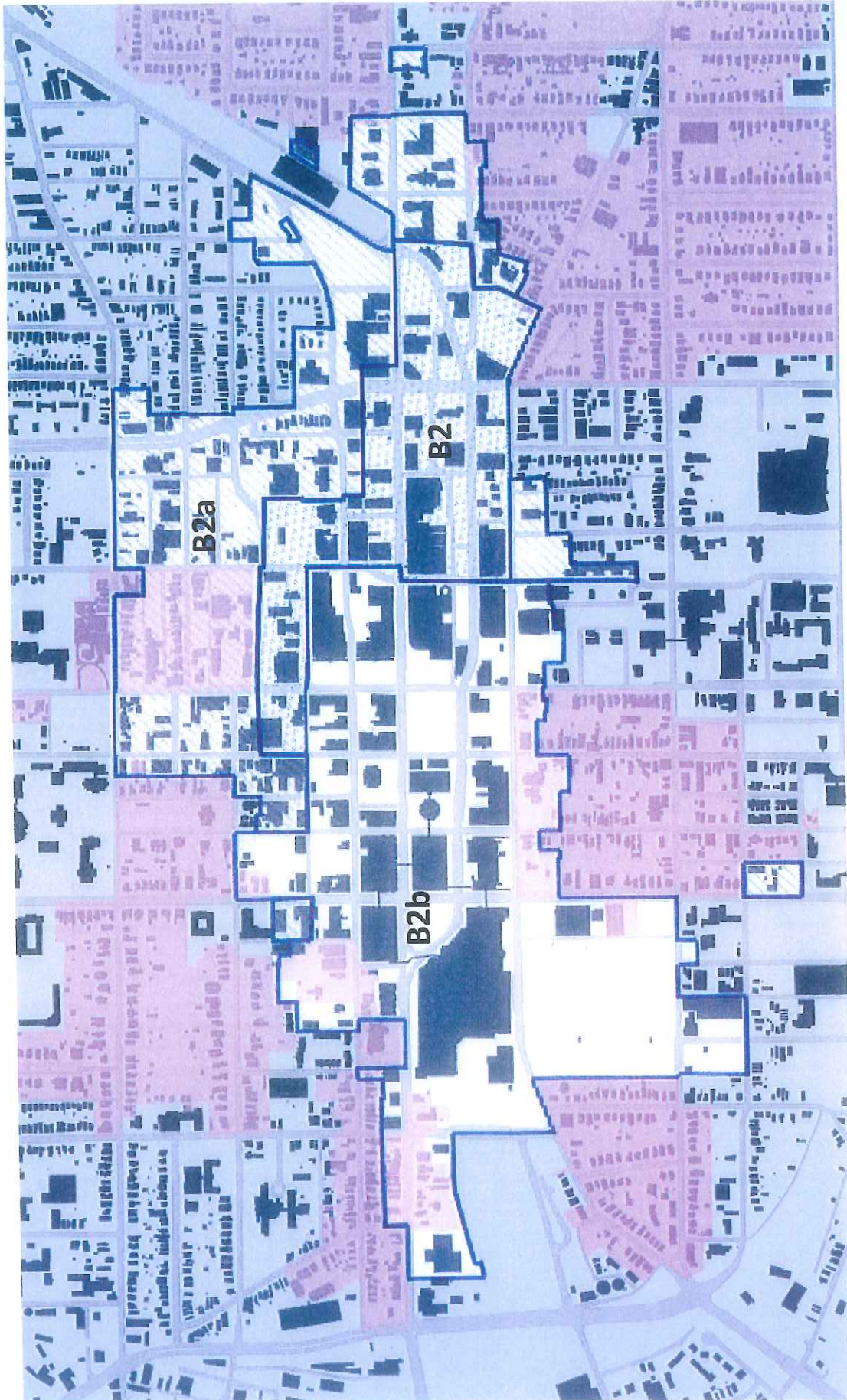
Enabling Legislation: p. 9

Zoning Ordinance Text Amendments to Article 8 (B2, B2a, and B2b zones) and amend Article 27 Courthouse Area Design Overlay Zone to Design Excellence Standards and Guidelines.

Barriers & Outstanding Issues: p. 9

Planning is currently addressing process concerns deterring development, while regulatory and economic issues are tasked to the Infill & Redevelopment Committee for further research, and the creation and execution of an action plan. Additionally, various outstanding issues where action is needed are listed.

Boundary



900 parcels within Design Excellence Boundary
260 parcels within DE boundary with H1 overlay

H1 overlays

Design Standards & Guidelines

Standards: Quantifiable criteria by which the minimum requirements for projects are established. Applicants must demonstrate adherence to each design standard.

Guidelines: Flexible criteria not to prescribe specific design solutions but rather to express the preferred design objectives. The intent of each objective is to be met but the method by which the design addresses it may vary.

STANDARDS

Site

- Build-to-Lines
- Height Min. & Max.
- Parking Access
- Parking buffers
- Structured Parking frontage
- Corner building requirements
- Pedways prohibited

Building

- Principal Frontage Orientation
- Principal Frontage Width
- Setback Max
- Ground & Upper Floor Transparency
- Ground Floor Height
- Glazing reflectance
- Prohibited Building Materials
- Pedestrian Entries

Amenities

- Placement of mechanical, utilities, services
- Fence & Wall requirements: height & materials
- Signage: adhere to Article 17
- Public Art: adhere to Article 17
- Balconies

Street

- Streetscape Standards: adhere to Downtown Streetscape Master Plan 2008

GUIDELINES

Site

- Large Scale Development
- Sustainable Site
- Siting and Building Placement
- Height, mass, & scale
- Site access & parking: general
- Drive-thrus & Drop-offs
- Parking: structured parking
- Parking: surface parking

Building

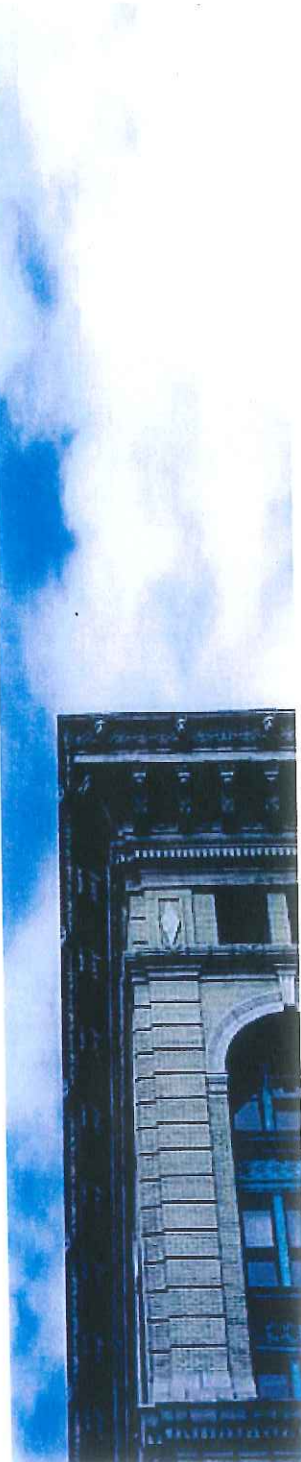
- Frontages
- Materials
- Entrances
- Existing Buildings: General
- Existing Buildings: Storefronts
- Existing Buildings: Additions

Amenities

- Mechanical, Utilities, Service and Loading
- Fences and Walls
- Signage
- Awnings and Canopies
- Building Lighting
- Public Art

Street

- Streetscape
- Landscaping and Planting
- Public Open Space



DE Review Process

Staff Review

Minor Rehab & Minor Additions

Modification of exterior existing primary structure < 50% or
Addition < 25% of the SF of the existing building

Minor Demolition

Demolition (50% or less of the existing primary
structure or an accessory building)

New Infill Construction

Parcel Sizes < .75 acres (32,670sf) or
Building footprint of < 30,000 sf or
Building Height < 96' or 8 stories (whichever is greater)

Board Review

Complete Rehab & Additions

Modification of exterior existing primary structure > 50% or
Addition > 25% of the SF of the existing building

Significant Demolition

Demolition (50% or more of primary structure or the
entire structure)

Board Review: Two Phases

Applicant may choose to review Phase I and Phase II sequentially at the same meeting.

New Construction: Large Scale & Iconic

Parcel Sizes > .75 acres (32,670sf) or
Building footprint of > 30,000 sf or
Building Height > 96' or 8 stories (whichever is greater) or
Iconic Projects

**Two Phase Submittal/ Approval Process
Phase I: Site/Massing Review
Phase II: Comprehensive Review*

DRAFT

DE Review Thresholds Illustrated

A sampling of existing large scale projects that are built in the DE boundary today. These large scale projects would require board approval if built today within the DE process. These 18 large scale projects represent 5% of the existing building stock in the DE boundary.

Indicates that this meets the established thresholds triggering board review

	Parcel Size (acres)	Footprint (sf)	Building (total sf)	Stories (#)	City Board
Townhouses (541 W Short)	2.01	31,910	63,820	2	X
Arlak	1.22	22,500		4	X
500's on Main	0.79	28,775		5	X
Main & Rose	3.01	60,937	175,000	4	X
Ballard Place	1.86	15,900	93,500	8	X
Christ Church Apartments	1.12	8,300	130,000	13	X
Ballard-Griffith	2.97	27,140	189,975	10	X
Park Plaza Apartments	0.8	28,138	241,915	19	X
Central Bank Building	2.05	52,500	389,208	24	X
Victorian Square	1.4	60,775	226,802	3	X
PNC Bank	1.4	34,804	128,143	12	X
KU	0.71	18,500	142,883	9	X
Hyatt	1.22	45,500	340,700	15	X
Hilton	0.75	30,000	278,944	21	X
Chase Tower & Annex	1.53	39,200	218,400	14	X
Bluegrass Corporate Center (WTC)	0.39	15,800	256,378	17	X
5/3 Building	0.78	12,500	374,800	31	X
Nunn Lofts	0.34	12,200	58,000	4	X
City Court	0.58	22,580	75,980	4	X
Newspost on Main	0.8	11,500	34,000	3	X
Federal Court Building	0.344	12,800	58,300	5	X
Parlay Social	0.08	3,400	8,235	3	X
Gray Construction	0.42	18,340	64,700	4	X
Arts Place	0.154	6,600	27,000	4	X



Staffing

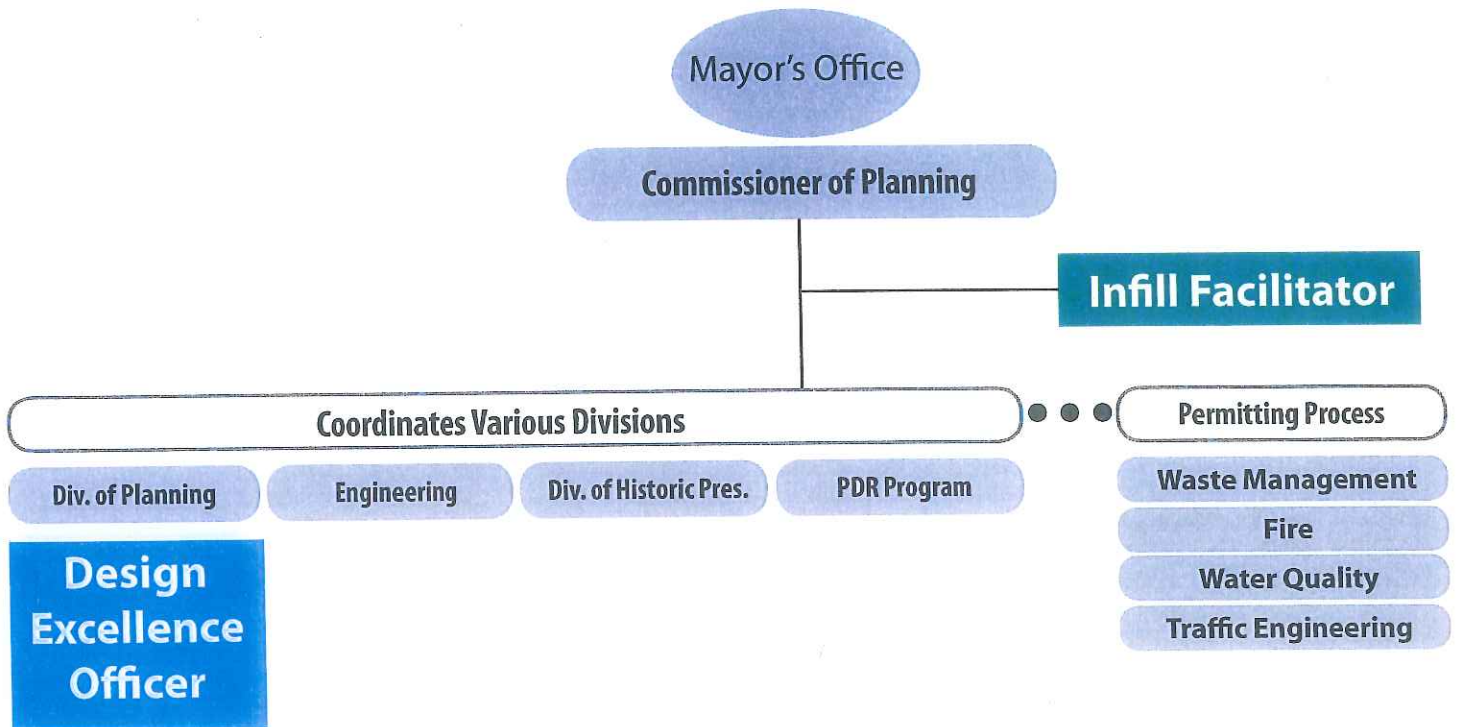
To assist with development projects in downtown and around the city the DE Task Force has proposed two staff positions aimed at moving projects efficiently through the required processes.

Infill Facilitator

- Oversees the review process of all projects, with an emphasis on downtown projects
- Coordinates with various divisions to ensure timely review process
- Advocate for development
- Acts as the "go to" person/ fixer
- Staffs Land Bank

Design Excellence Officer

- Approves DE projects
- Provides design assistance on community projects throughout Fayette County



Enabling Legislation

H-1 parcels in DE boundary

Only have to comply with H-1 requirements.

Board

- 7 member board appointed by the Mayor including:
 - 4 representatives of the design community which may include the disciplines of architecture, landscape architecture, urban design, planning, or historic preservation, one real estate or development representative, one resident in the DE boundary, and one owner of a business within the DE boundary.
- There was not consensus on the membership or whether the members should be approved or confirmed by Council.
- Quorum is simple majority.
- Board chair votes in all cases.
- Monthly board meetings scheduled - cancelled if not needed.
- Written minutes and recommendations so that items are not re-reviewed unless there is a material change.

Appeal

Appeal to the Circuit Court. There was not consensus on this issue.

Design Excellence Officer

The Design Excellence Officer shall have a professional degree in architecture, design, or a similar field. There was not consensus regarding the qualifications of the design review officer.

There is an intent to give the Design Excellence officer a significant amount of authority to review projects with specific authority set forth in Article 27 and the power for the Board to delegate additional authority.

Barriers & Issues

Development Barriers	Status
Process Barriers <ul style="list-style-type: none"> • cumbersome, unclear, confusing, time consuming • Reviews same for all project scales • limited staff approval 	Process <ul style="list-style-type: none"> • Division of Planning and DE proposing two staff members to assist with process • DE proposes two paths for review depending on project type • DE aims to have majority of projects staff approved
Regulatory & Economic Barriers <ul style="list-style-type: none"> • waste management • parking • land availability & accumulation • TIF applications, etc 	Regulatory & Economic <ul style="list-style-type: none"> • tasked to Infill & Redevelopment committee for further research and development of action plan

Outstanding Issues

1. **Iconic Projects:** Who will make initial determination and is iconic definition acceptable?
2. **Government Projects:** Will DE be applied to government related projects?
3. **Grandfathering:** Should language be added regarding grandfathering of existing conditions?
4. **Process & Thresholds:** Are the proposed thresholds and review process acceptable?
5. **Demolition:** Are the proposed thresholds and review/approval criteria acceptable for demolition?
6. **Board:** What are the criteria for board members and are they to be approved or confirmed by council after appointment by Mayor?
7. **Appeals:** Are appeals able to go directly to Circuit Court? If not what is the appellate process?
8. **Incentives:** How to address development barriers and create incentives for downtown development?

Planning and Public Works Committee Referrals

<u>Item</u>	<u>Referred By</u>	<u>Date</u>	<u>Status</u>
Erecting Large Utility Poles in ROW	Clarke	3.12.10	12.11.12
Re Paving Program	Clarke	4.13.11	10.16.12, 12.11.12, 3.12.13
Working with FCPS to Sustain Road Salt Services	EQ Link	6.19.11	11.20.12
Review Street Tree & Tree Protection Ordinances	9.27.11	11.20.12	11.20.12
Possible Revision of Sign Ordinance	Farmer	6.12.12	
Exploring Use of Alternative Fuel	Farmer	7.10.12	8.14.12, 1.15.13
Private Streets: Enforcement, Maintenance & Specifications	Mossotti	1.129.13	
H-1 Notification Process	Myers	1.19.13	
Maintenance of Major Roadways	Stinnett	4.16.13	
Performance Bonds & Letters of Credit	Stinnett	4.23.13	6.18.13
Greenway Manual & Plan	Mossotti	10.8.13	
Merge Streets & Roads and Traffic Engineering	Farmer	8.20.13	
B1 ZOTA	Henson	3.8.13	5.14.13, 6.18.13
Elm Tree Lane Sidewalks	Ford	11.5.13	
Recurring Items	Blues	4.9.09	Quarterly Update
Oliver Lewis Way Update	Stinnett	4.15.09	Quarterly Update
Todds Road Widening Phase II	Farmer		Quarterly Update
Downtown Traffic Study	Kay		Quarterly Update
Design Excellence Update			

PAS 11.6.13